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Letter dated 26 January 2006 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

I have the honour to transmit, herewith, a letter from Mr. Mohammed Benaïssa, Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco, addressed to you (see annex).

I should be grateful if you would bring the Minister's letter to the attention of the members of the Security Council and have it circulated as a document of the Security Council.

(*Signed*) Mohamed **Bennouna**
Ambassador
Permanent Representative

* Reissued for technical reasons.

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Annex to the letter dated 26 January 2006 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

In the light of the recent developments on the question of Western Sahara, I have the honour to communicate the following:

The objective of the ceasefire declared by the United Nations on 6 September 1991 with the agreement of all the parties was a complete cessation of hostilities in the Territory in order to foster a lasting political settlement of this question.

The buffer strip maintained between the defensive wall and the border with Algeria was designed to mitigate the tensions between the two countries and to prevent any risk of escalation.

There was never any question of sanctioning a division of the Territory or legitimizing the idea of "liberated territory", as this is an uninhabited buffer strip. The proof is that the refugees registered on the basis of the Tindouf census are supposed to report to the area west of the wall, in the inhabited centres, in order to participate in any voting exercise.

In this connection, it should be recalled that both on the eve of the ceasefire, and after it was in place, the Kingdom of Morocco has, at every opportunity, drawn the attention of the United Nations, either in writing or through contacts with its officials, at all levels, to the fact that the status of this area as an uninhabited buffer strip is being violated.

Hence, after the incursion of elements from the Frente POLISARIO into the Tifariti area, the late King Hassan II immediately sent a letter, dated 3 September 1991, to Mr. Javier Pérez de Cuellar requesting him to take urgent measures to restore normalcy, particularly through the withdrawal of armed gangs from the Territory.

This position was successively reaffirmed in an aide-mémoire of 16 December 1991 addressed to the President of the Security Council, in a letter dated 13 May 1992 from the Permanent Representative of Morocco addressed to the Under-Secretary-General of the Department of Peacekeeping Operations and in a letter dated 23 August 1995 from the Minister for Foreign Affairs of Morocco addressed to your predecessor.

In 2000, the United Nations, having concluded that the referendum proposed in the 1990 settlement plan could not be carried out, embarked on the process of seeking an alternative political solution.

Increasingly, however, the other parties to the dispute over Western Sahara, rather than engaging in a genuine negotiation process, are attempting to establish a fait accompli in the buffer strip by artificially constructing buildings, carrying on "diplomatic activities" there and even going so far as to sign contracts of convenience with oil companies for the purpose of oil prospecting.

The Kingdom of Morocco wishes to bring to the attention of the United Nations the seriousness of such actions aimed at giving credence to the existence of a pseudo-republic of Sahara on territorial grounds.

The Kingdom of Morocco believes that all these activities are completely illegal, as those perpetrating them are acting without authority. As long as there is no definitive agreement on a political solution, Morocco, under the Madrid Accord of 14 November 1975 concluded with Spain, remains the sole competent administrative authority over the entire Territory of Western Sahara.

This authority was confirmed by the 1990 settlement plan and reinforced by the proposals that followed it, in particular when the Framework Agreement on the Status of Western Sahara of June 2001 was submitted. On that occasion, you expressed your conviction that the "Government of Morocco, as the administrative Power in Western Sahara, is prepared to offer or support some devolution of authority for all the inhabitants and former inhabitants of the Territory" (S/2001/398 of 24 April 2001).

Thus it seems that the other parties to the dispute, in disregard of international law, are laying ever-greater obstacles in the path of the international community's efforts to reach a negotiated political solution on the question of Western Sahara.

These parties should fulfil their obligations, refrain from entering into agreements or contracts involving the Territory and show the necessary political will by participating in the negotiations supported by the international community.

Morocco is prepared to initiate negotiations without delay and will soon submit a proposal on autonomy to this end. My country hopes that the other parties will join this common effort to end the dispute once and for all in the interest of the entire Maghreb region.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council and have it circulated as a document of the Security Council.

(*Signed*) Mohammed **Benaïssa**